

WORKER KILLED; CAUGHT BY DIRT CAVE-IN; CRUSHED

Crumbling Earth at Cut-Off
Dam Catches E. L. Modlin,
Sand-Sack Filler.

TWO HOURS REQUIRED
TO UNCOVER VICTIM

Fellow Laborers Plunge Into
Water to Escape Rush
Of Sliding Ground.

Crumbling earth of the east bank of the North Canadian river at the cut-off dam near Packington, caught and crushed to death E. L. ("Bud") Modlin, 56 years old, at 2 o'clock this morning. Modlin was one of a force of men engaged in repair work on the dam. The accident happened near the place cut some time ago by A. J. Henthorn and his followers.

Five feet of earth covered Modlin's body. Fellow workmen strove desperately to remove the debris from the unfortunate workman, but it was 3:30 before his body had been recovered. A 200-pound chunk of earth was lying on the body. It was in a kneeling posture.

Caught in Collapse.

A crew of thirteen men, including Modlin, was holding sacks which others were filling with sand. The sacks were being used in building a wing of the cut-off dam, which diverts water of the North Canadian into the old channel.

One of the workmen saw the bank begin to crumble. He yelled and all workers with the exception of Modlin jumped into the water and made their escape. Modlin was stiff from sitting and could not arise in time to escape the bank. He had been working since early Tuesday morning, it is said.

Widow Survives.

The body of Modlin was taken to the undertaking parlors of Street and Draper following the accident. Funeral arrangements have not been made.

Modlin is survived by a widow. His home was on Exchange avenue in Packington, one block west of South May street. He was formerly employed by Salsberger & Sons.

OKLAHOMA BRIDE OF MONTH ENDS LIFE

RINGLING, Okla., July 12.—Mrs. Herbert Irbey, 25 years old, a bride of a month, shot and killed herself Tuesday night at Grandfield, near here. No cause for the tragedy is known.

TODAY HOTTEST ONE THIS YEAR

Today is the hottest Oklahoma City has experienced this year, the temperature being 97 degrees at 2 o'clock this afternoon.

Wide Recruiting Planned.
WASHINGTON, July 12.—Immediate organization of an extensive national guard recruiting service was authorized today by the war department to bring regiments on border duty to full war strength of about 160,000 men.

POSSESSION OF NARCOTICS NOT ILLEGAL, CLAIM

Habeas Corpus Writ Asked by
Defendant; Supreme Court
Decision Cited.

Mere possession of narcotics, where intent to sell is not established, is not a violation of the Harrison narcotic act.

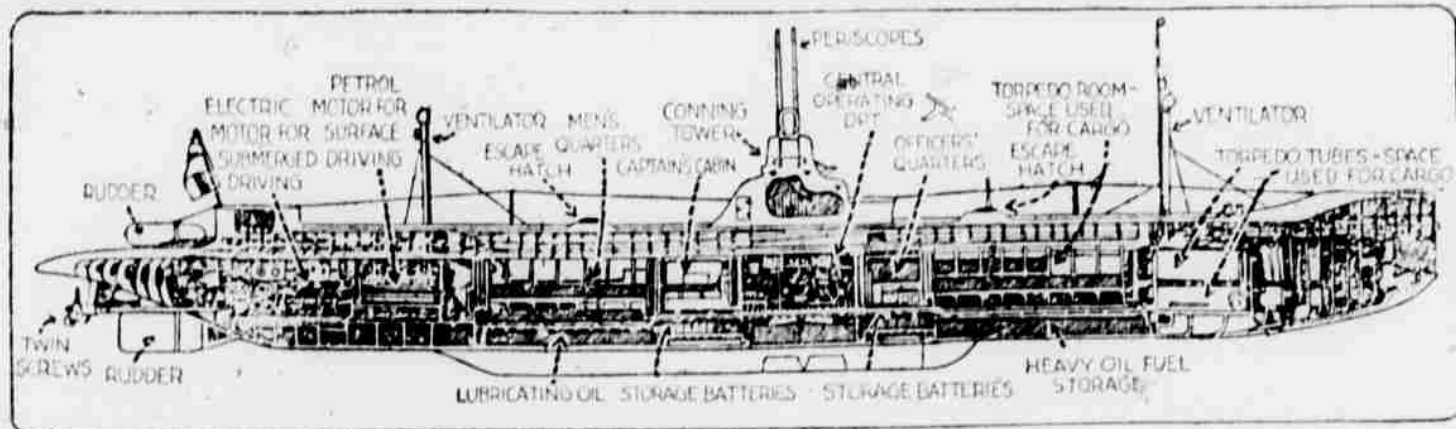
With this decision of the United States supreme court as a basis, H. M. Armstrong, sentenced to four months imprisonment by the federal district court in Oklahoma City, has applied to Judge Cotteral for a writ of habeas corpus. The supreme court made its decision June 5, 1916, in the case of Jim Fuy Moy, a Chinese who appealed from the Western district of Pennsylvania, on the question of the constitutionality of the law's eighth section which applies to possession.

Cause Demanded.
Judge Cotteral, in an order received in Oklahoma City this morning, directed J. Q. Newell, United States marshal for the Western district, to appear next Friday and show reasons for not releasing Armstrong, sentenced under the possession clause.

Reversed Later.

On March 2, however, the United States circuit court of appeals of the second district reversed Judge Cotteral's position in the case of Jim Wilson, appealed from the southern district of New York. After this, Judge Cotteral accepted the ruling of the circuit court. An interesting feature of the federal supreme court's decision with respect to the eighth section is that Charles Evans Hughes, now republican candidate for president, did not concur, Justice Brandeis also refused.

HOW MERCHANT DIVER DEUTSCHLAND IS BUILT



GUARD, DEPLETED BY EXAMINATION, PHYSICALLY FIT

Company M Reduced to Seventy-Eight Men; Two Officers Rejected.

BY PAUL COTTRELL
Staff Correspondent.

MOBILIZATION CAMP, FORT SILL, OKLA., July 12.—Rejection by medical officers are cutting down the numerical strength of the first infantry regiment assigned to the mobilization camp at Fort Sill, Oklahoma, on the border that cannot be beaten by any state. Company M has lost two lieutenants and fifty-three men.

Captain Lee states that it means the company will arrive at the border with seventy-eight men who can fulfill any order and survive the hardest service without loss.

Every man left is in perfect condition. No definite orders for moving have been received, but are expected hourly.

Receipt of The Times' canteen fund for Company M and Troop B, O. N. G., is acknowledged in a letter this morning from Colonel Roy V. Hoffman, commanding the First regiment. He sincerely thanks The Times and the people of the community who have contributed, in these words:

"While it is probably needless to reiterate my often expressed appreciation of the patriotic spirit at home, which is behind our boys, I would be glad if you would again express to all our appreciation of this added testimonial of the regard of our home folks. We have a splendid regiment and our boys go out feeling that their work will reflect credit upon the state and prove themselves not unworthy of the regard of our people."

A pathetic incident of camp life is reported by a prominent local woman who has just returned from the mobilization point at Fort Sill. She was present when mail from home was distributed to the regiment.

Guardmen Weep.
A number of the guardmen, she said, who did not receive mail, were disappointed at the seeming neglect of their home folk that they actually cried. Magazines, newspapers and letters will greatly cheer the men, she says. Many of the First regiment have not even enough money to purchase stamps. This condition will be relieved for some time by the canteen fund.

Americans Saved By British Flag

COLUMBUS, N. M., July 12.—Americans living in Chihuahua and other cities in Northern Mexico are wearing small British flags to ward off insults to them, according to travelers.

ACTRESS SISTER OF GEORGE M. COHAN DEAD

NEW YORK, July 12.—Mrs. Fred Niblo, formerly Miss Josephine Cohan, sister of George M. Cohan, the actor, died today in a local hotel.

Cloudy, Unsettled, Weather Forecast

LOCAL FORECAST.—Partly cloudy and unsettled weather tonight and Thursday; no decided change in temperature.

STATE FORECAST.—Tonight and Thursday unsettled weather.

ARKANSAS.—Unsettled.

WEST TEXAS.—Partly cloudy.

KANSAS.—Fair and warmer.



"I'll Go Over You," Said Boyd; "Try It," Challenged Gomez; Then They Fought

DALLAS, Texas, July 12.—El Pueblo, official organ of the Carranza government, in its issue of July 1, received here today, prints the official report of the fight between Mexicans and American troops at Carrizal. The report comes from Lieutenant Colonel Genovevo Rivas, who took command of the Mexican troops after General Felix Gomez was killed. The report was made to General Gonzalez at Juarez and sent by him to Mexico City.

It says: "On June 21 at 7 a. m. an American force composed of eighty or 100 men appeared here. The commander said that he was looking for a gang of bandits that was in the vicinity."

"I told him there was no gang of bandits operating in this district. He then said that he was going to Villa Ahumada to look for a deserter, to which I replied that we had orders to not permit American troops to move in any direction except toward the north. To which he replied that such orders mattered nothing to him; that he had orders to go to Villa Ahumada and that he would do so regardless of our bullets."

"After I had reported, General Gomez went personally to talk with the American commander, receiving the same answer. General Gomez suggested that he wait until the matter could be put before the military commander at Juarez by telegraph."

"The haughty American commander replied that he did not want to lose time and that he would pass over us. My general replied that if he (the American commander) thought he was able to do so, to try it."

"My general retired with his escort to where our troops were and the American commander returned to his troops. The American commander assembled his cavalry and advanced, then in, firing line against our forces, who remained in extended line without making any aggressive movement."

"The Americans opened fire at a distance of eighty meters, to which our soldiers gallantly replied, joining the combat. The fight was intense and lasted two hours."

"General Gomez having been killed early in the fight, I assumed command. We forced the enemy to flee, abandoning their dead, their horses and their arms. The enemy dead were twelve and we captured twenty-two prisoners."

"The report gives the names of thirty Mexicans killed, of whom eleven were officers, and forty-three wounded, of whom nine were officers."

SUBMARINES TO TAKE BACK FOOD GERMANY NEEDS

Plans Already Laid for Cargoes for Boats to Follow Deutschland.

BALTIMORE, July 12.—Feeling secure in their belief that the state department at Washington will maintain the findings of the treasury and naval officials that the Deutschland is a merchant ship, and therefore entitled to all privileges due to a belligerent-owned freighter under international law, the agents of the submarine today went ahead with their plans for disposing of the vessel's cargo and preparations for the regular return voyage.

Will Take Nickel and Rubber.
It is known that the Deutschland will take aboard a cargo of rubber and nickel and her captain on his declaration to the local customs officers said he expected to sail "within ten days."

Already there is discussion concerning the return cargoes for underwater liners which are expected to follow the Deutschland to American ports.

Cargo to Be Food.

These vessels, it was reliably stated, will carry back the most essential foodstuffs that Germany and Austria-Hungary need. Coffee was specifically named as one of the commodities. It was also declared that the Bremen, constructed by the same company that built the Deutschland and reported from Berlin, will sail with a cargo of drugs that are much needed in this country and which cannot be obtained from any other German sources.

Many Would Make Voyage.

The North German-Lloyd has received from persons in all parts of the country offers running as high as \$50,000 for the privilege of taking passage on the submarine on her return trip.

"These all have been refused," said a representative of the company today. "Nearly all of them came from Americans."

PLAGUE DEATHS FALL DESPITE NEW HEAT WAVE

Only Seventeen Deaths From
Infantile Paralysis in New
York in Day.

NEW YORK, July 12.—Despite the worst heat wave of the season, the epidemic of infantile paralysis took a turn for the better today. During the twenty-four hours preceding 10 o'clock this morning only seventeen deaths from the disease were reported in the five boroughs of New York City. There were 162 new cases.

Destroy Unclean Food.
Pursuing the policy of keeping the city clean, the food inspectors of the health department announced today that they have destroyed three and a half tons of milk, fruit, lemonade and ice cream, which were either spoiled or kept in insanitary receptacles. Fifty soda water fountains were disconnected because the owners were using unclean glasses.

Spread in Lower East Side.
The spread of the disease is generally around the centers in South Brooklyn and the lower east side of Manhattan where the epidemic has flourished since its development early in June.

One Death in St. Louis.
ST. LOUIS, July 12.—An 8-month-old girl died at the city hospital Tuesday night after several days' illness from a disease diagnosed as infantile paralysis. But one case of infantile paralysis had been reported to the health department previously.

BELLEVILLE, Ill., July 12.—The fifth case of infantile paralysis was reported by Belleville physicians today. There have been no deaths.

NEW BERN, Tenn., July 12.—News was received here today of the death from infantile paralysis of the 7-year-old son of Greely Donier at Yorkville, near here on Monday.

HOMES OFFERED TO GIRL TAKEN FROM PARENTS

Since County Judge Zwick's announcement yesterday that he had taken Katherine Oliphant from her parents, Andrew M. and Ida Oliphant, because of the latter's cruelty to her, the judge has been besieged with requests from families who want to take the child. Some of the applicants are among the wealthiest and most influential families in the city, Judge Zwick said.

The girl today was in care of the Oklahoma Children's Home society. She will be given into the care of a family very soon.

Judge Zwick said his telephone was busy constantly for nearly two hours last night, persons calling him to commend his decision in the case.

Katherine is 14 years old. Testimony introduced at the hearing was that her parents had whipped her with a buggy whip and heavy sticks.

Cornelius N. Bliss G. O. P. Treasurer

NEW YORK, July 12.—Cornelius N. Bliss will be the next treasurer of the republican national committee. This was officially announced today at the headquarters of Charles E. Hughes.

Who Told You Tuesday

THAT the supreme court decided each Oklahoma county will get 50 percent of its oil tax in the future?

THAT Judge Zwick decided to take Katherine Oliphant away from her parents?

THAT the allies have protested the recognition of the ocean crossing submarine Deutschland, by the United States as a merchant ship?

THAT New York had 195 new cases and thirty-two deaths from infantile paralysis Monday?

THAT the Oklahoma National Guard is not going to the border Wednesday as was planned?

THAT Villa and his army were whipped by Carranza men at Parral after a bloody fight?

The Times and Only The Times Published those Stories in its Home Edition

TO GET THE NEWS YOU MUST BUY THE TIMES!

GRAPHOPHONE MUSIC IS SUBSTITUTED FOR SINGING AT FUNERAL

HARLEY, Iowa, July 12.—When funeral arrangements were made for I. F. McIne, who was found dead here Tuesday, were being arranged, it was found that no organ or singers were available for the last rites. Friends, however, obtained a graphophone and records of sacred music were played on it during the service.

AMERICAN SHIP HITS MINE OFF FRENCH COAST

Goldshell, Carrying Oil, Keeps
Afloat and Enters
Harbor.

PARIS, July 12.—The American steamship Goldshell for New York with a cargo of oil struck a mine Monday night and was damaged. She was kept afloat until she entered the mouth of the Gironde, where she is being lightered.

The Goldshell struck the mine twenty miles west of the Island of Cordon, off the mouth of the Gironde. The forward part of the hull was partly wrecked.

The vessel sailed from New Orleans, June 20, for Bordeaux.

BONNEILL HEADS MEDICAL BOARD

Dr. Roy Bonnell of Chickasha was elected president of the state board of medical examiners, now in session here, at an executive session late yesterday. Dr. B. L. Denison of Garvin was elected vice president, and Dr. I. V. Smith of Tulsa, secretary. Thirty-one applicants took the medical examinations.

Wilson to Appeal For Permit to Let Food Reach Poland

WASHINGTON, July 12.—President Wilson today told a large delegation of representatives of Polish organizations that he would make personal efforts to get relief to the starving in Poland. It is understood he is considering a personal appeal to the rulers of the nations involved to allow distribution of food. The state department already has made one such appeal to the governments. The president characterized conditions in Poland as tragical and described the negotiations for the sending of food as being against a "stone wall."

"I know the terrible conditions that exist there and nobody could know them without feeling his heart torn with the knowledge," said the president.

BOY SCOUTS TO AID SAFETY TRAIN FOLK

Boy scouts of Oklahoma City are called upon by the leaders of troops one, two, five, six and seven, in an order issued today to meet on the post-office lawn between Robinson and Harvey streets tonight to arrange for assisting officers in charge of the national safety first exhibit train.

COURT HOLDS PIERCE OWES BANK \$700,000

ST. LOUIS, July 12.—Judgment for \$700,000 was given to the National Bank of Commerce against H. Clay Pierce, chairman of the board of the Pierce Oil corporation in a decision by Judge Kinney in the circuit court here today.

The case, which was tried a year ago and taken under advisement, involved a controversy over possession of the entire issue of stock of the Nashville Terminal company of Nashville, Tenn., the par value of which is \$1,000,000.

Mr. Dady began his argument at Tuesday's session of court but was unable to finish before adjournment.

Fund Proposed to Relieve Mexicans

WASHINGTON, July 12.—A bill to appropriate \$2,000,000 for relief of destitute Mexicans by providing them with food and clothing to be expended by the war department under the direction of the secretary of state, was introduced today by Representative Randall of California.

BANDITS AND GARCIA IN FIERCE BATTLE

CHIHUAHUA CITY, Mexico, July 12.—Heavy fighting is now proceeding between the de facto government troops under General Ernesto Garcia and a large Villa force at Cerro Blanco, some miles below Parral, according to dispatches received today by General Jacinto Trevino.

GERMANS DENT BRITISH LINE IN MONTAUBAN

Gain Ground in Determined
Drive at Mametz and
Trones Tood.

TEUTONS ATTACK FRENCH NEAR DEAD MAN HILL

U-Boat Bombards Seaham
Harbor, on British Coast,
Killing One Woman.

LONDON, July 12.—German resistance to the offensive along the Somme front took the form Tuesday night of strong counter attacks which at two points made dents in the line established by General Haig's army. Heavily reinforced, the Germans made a determined drive at the British front. At Mametz the Trones woods, in the Montauban sector of the British right, some ground was gained by the German columns.

The French have not resumed their offensive in the Somme region.

Germans Strike Near Verdun.
There has been notable activity in the Verdun sector. The crown prince's troops after their success of Tuesday in Fumini wood and at the Damlong battery, where they gained a footing, struck at the French in the vicinity of Dead Man Hill west of the Meuse. The attacks were repulsed.

To the east of the Meuse the French report having recaptured some of the ground lost in the Fumini wood region. They also drove the Germans out of trenches in Lorraine and carried out further successful surprise operations in the Champagne.

Austrians Leave Tolmino.
The Italian offensive has been pushed recently not only in the Trentino, where the Austrians have been driven back long distances from their farthest points of advance, but along the Isonzo where Gorizia is the objective. In the face of this latter movement the Austrians, according to an unconfirmed report through Paris, are said to evacuate Tolmino.

U-Boat in English Harbor.
German harrying of the English coast was continued Tuesday night with the bombardment by a submarine off Seaham Harbor near Sunderland. One woman was killed but no damage of consequence was inflicted, according to the British official announcement.

Berlin announces a raid by two German aeroplanes on the English channel port of Calais Monday night when the port was bombarded together with army encampments.

Russians Defeated.
The German statement issued in Berlin today says Russian troops who attempted to establish themselves on the left bank of the Stokhod river in the advance towards Kovel were attacked by German troops and defeated.

STATE MAY NOT ASK EXECUTION IN ORPET CASE

Intimated Prosecutor Will Propose Only Life Imprisonment for Student.

WAUKEGAN, Ill., July 12.—Interest in the trial of William Orpet, accused of the murder of Marian Lammert, early today centered in the closing phases of the argument of Ralph F. Dady, Lake county prosecutor. It was intimated that he might possibly recommend that the jury bring in a verdict of life imprisonment for the young college man, instead of death. However, the point had not been definitely settled when Judge Donnelly's court reconvened.

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